



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 21, 1996

Mr. Miles K. Risley  
Senior Assistant City Attorney  
City of Victoria  
Legal Department  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR96-2171

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103215.

The City of Victoria (the "city") received a request for the "entire case file" on a sexual assault and indecency with a child case. You assert that the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 excepts from required public disclosure information deemed confidential by law, either constitutional, statutory, or by judicial decision. Where the victim of a sexual assault or other sex-related offense is a child, section 261.201(a) of the Family Code may be applicable. Section 261.201(a) provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

We conclude that the information submitted to this office relating to an incident of child abuse or neglect are records developed in an investigation under chapter 261 of the Family Code, are confidential, and must be withheld in their entirety under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese". The signature is fluid and cursive, with a long horizontal line extending from the end.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 103215

Enclosures: Submitted documents

cc: Mr. Edward Michael  
P.O. Box 1701  
Sugarland, Texas 77487  
(w/o enclosures)